

Before the
New Hampshire Board of Medicine
Concord, New Hampshire 03301

In the Matter of:

Jason S. Henderson, D.O.
(Request for Reinstatement)

Docket No. 04-05

ORDER OF DENIAL OF LICENSE REINSTATEMENT

Before the New Hampshire Board of Medicine ("Board") is Jason S. Henderson, D.O.'s ("Dr. Henderson" or "Respondent") request for reinstatement of license submitted by email on June 19, 2006.

PROCEDURAL HISTORY

Dr. Henderson was originally licensed to practice medicine in New Hampshire on August 6, 2003. On May 12, 2004, the Board issued an Emergency Suspension of Respondent's license to practice medicine in the State of New Hampshire on the basis of information received from the New Hampshire Physician Health Program ("NHPHP")¹ that a random drug screen provided by Respondent on April 1, 2004 revealed the presence of EtG which is an indicator of alcohol consumption. On June 5, 2004, Dr. Henderson signed a Consent Decree with the Board whereby he consented to the Board imposing the following discipline, pursuant to RSA 329:17, VII:

- A. Respondent's license to practice medicine in New Hampshire shall be suspended for a period of one (1) year commencing upon issuance of this Consent Decree and upon the terms set forth below:

¹ The Respondent was a participant in the Connecticut Physician's Health Plan ("CSPHP") from 2001 until he entered the NHPHP. In July 2003, the Respondent signed a New Hampshire Health Program Evaluation, Treatment and Monitoring Contract ("NHPHP Contract"). On July 14, 2003 and October 14, 2003, the Respondent tested positive for unauthorized use of controlled substances. On December 22, 2003, the Respondent signed a Settlement Agreement, which the Board accepted on February 10, 2004.

1. Respondent at his own expense shall continue to meaningfully participate, without interruption, in an intensive outpatient substance abuse counseling and treatment program (Respondent currently treats with an addiction psychiatrist as well as participating in treatment recommended by Dr. Garhart of the NHPHP);

2. Respondent shall continue for a minimum of five (5) years to participate in the NHPHP under his existing NHPHP contract and shall continue all treatment, counseling and random drug screening/testing as set forth in his NHPHP contract, the terms of which are incorporated herein;

3. If for any reason Respondent moves from the State of New Hampshire, he agrees to immediately enter a comparable Physician Health Program ("PHP") in the new state of residency, to continue to comply with the requirements of the NHPHP under the supervision of the new state's program. In the case of a change of residency, Respondent shall immediately sign all releases necessary to enable the NHPHP and the PHP in the new state of residency to freely communicate regarding Respondent's treatment and progress in the new state of residency.

4. If for any reason Respondent moves from the state he agrees to follow all recommendations of the director of the PHP in the new state of residency;

5. Eleven (11) months from the date of issuance of this Consent Decree Respondent may petition the Board to lift the suspension of his license. Respondent shall provide documentation of his compliance with all terms of this Consent Decree and his PHP contract;

6. Respondent's license shall remain suspended until such time as the Board issues an order reinstating his license to practice medicine.

See Consent Decree In the Matter of: Jason S. Henderson, D.O. (emphasis added).

One of the terms of the NHPHP contract states in relevant part:

5. I agree to the following treatment plan: ...

Attend the following: ...

♦ Drug/Alcohol monitoring:

Urine 48 times a year, all dilute urines will be repeated at my expense

...

See NHPHP Contract (emphasis added).

On July 3, 2006, the Board received a copy of the SCREEN SCHEDULE HISTORY of the Respondent's urine monitoring from the Professional Assistance Program of New Jersey, Inc.

The Board finds that, based on this documentation provided by Dr. Henderson, Dr. Henderson is not in compliance with his Consent Decree dated June 14, 2004, whereby he is required to comply with the requirements of the NHPHP Contract for five (5) years under the supervision of any "new" state's program. Specifically, in the year preceding his request for reinstatement (from June 2005 to June 2006), the Respondent submitted to only twenty-seven (27) urine tests in contrast to the forty-eight (48) required. Moreover, three of these tests included findings of EtG (one in October 2005, two in May 2006); and one of these tests was dilute (July 2005).

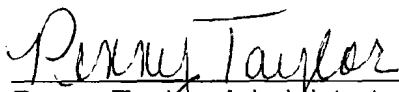
Accordingly, at the Board's August 2, 2006 meeting, the Board voted to deny Dr. Henderson's request for reinstatement of license.

THEREFORE IT IS ORDERED that Dr. Henderson's request for reinstatement of license is DENIED.

BY ORDER OF THE BOARD

Date: _____

9/11/06



Penny Taylor, Administrator
Authorized Representative of the
New Hampshire Board of Medicine